

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002

IN RE:

TONY O. OBAMOGIE, L.P.N.

Respondent

Case No.: B-01-80086

ORDER

On October 23, 2001, the parties filed a proposed settlement agreement reflecting the terms of a settlement to which they had agreed on October 18, 2001, immediately after the prehearing conference in this matter. Approving the settlement and dismissing this case would be a final disposition of this disciplinary matter. Because the delegation of hearing authority in this matter does not include “the power to render a final decision,” 17 DCMR 4114.2, I have no authority to approve the settlement and to dismiss the disciplinary proceedings. The Board of Nursing, which retains the power to issue the final decision in this case, is the only body with authority to dismiss this case based upon the settlement. Indeed, 17 DCMR 4108.5 provides that the parties at a settlement conference may enter into an agreement that is binding on all parties, provided that the relevant Board approves the settlement. Although the settlement in this case was not the result of a formal settlement conference pursuant to § 4108, it is unlikely that the health occupation boards lack the authority to review and approve a settlement simply because that settlement was not the product of a formal settlement conference. Because approval of the

settlement and dismissal of the case is a final decision in this matter, the Board of Nursing must order that final disposition.¹

Because there is no further action required of an administrative law judge, this case will be closed by the Office of Adjudication and Hearings. The parties, however, must submit the settlement agreement to the Board of Nursing for its approval. Accordingly, it is, this _____ day of _____, 2001:

ORDERED, that this case shall be marked **CLOSED** by the Clerk; and it is further

ORDERED, that the parties shall submit their proposed settlement to the Board of Nursing for its approval.

/s/ **11/8/01**

John P. Dean
Administrative Judge

¹ In a case in which the parties agree upon a settlement after an evidentiary hearing, it conceivably could be appropriate for the administrative law judge to issue a recommended decision on whether to approve the settlement pursuant to 17 DCMR 4114.3, which requires submission of a recommended decision after the evidence is heard.